

To: Laura and John Arnold Foundation
From: Shelby County, TN District Attorney's Office
Re: Letter of Interest: Building Rigorous Evidence about What Works in Prosecution

The Shelby County District Attorney's Office (which includes the city of Memphis) is expressing its interest in submitting a proposal to the Arnold Foundation related to: *Innovative Proposals Designed to Build Policy-Important Evidence About "What Works" to Improve Prosecutorial Outcomes*. In support of this letter of interest, please consider the following:

IMPORTANCE

Criminal activity that continues even after successful prosecution, crime rates which fail to decline, concerns about fairness in arrests and prosecutorial decisions, and continuing difficulties developing trust within communities to foster participation in the justice system all lead to an inescapable conclusion that a different prosecutorial approach is needed. Shelby County, TN is embarking on a community prosecution (CP) initiative to bring about the needed change in what Dr. Catherine Coles, Research Associate in the Kennedy School of Government at Harvard University, referred to as the "'business' of prosecution."¹ The plan involves establishing CP in two precincts in Memphis, TN using two different models:

1. Devoting 14 prosecutors to handle all criminal matters emanating from one Memphis Police Department (MPD) precinct (approximately 10,000 cases annually), with prosecutors working from the DA's physical offices; and
2. Establishing one prosecutor as an on-site liaison to another police precinct who would not handle all prosecutions but would serve to link law enforcement and community individuals to the DA's office.

The CP initiative is part of the community engagement focus within a new five-year crime reduction and prevention strategic, evidence-based plan known as Operation: Safe Community-3 (OSC-3) set to launch January 2017. Strenuous evaluation of initiatives is a key component of the OSC-3 plan. The plan is dependent upon obtaining appropriate funding to support implementation of this evaluation.

CP can help improve the quality of cases brought for prosecution by focusing on the most appropriate charges, thus improving fairness as well as the perception of fairness. Increased knowledge of specific neighborhood concerns can improve community-prosecutor relations, with the hope of fostering an increased willingness by residents to participate in the prosecution of cases. Increased cooperation on the part of all participants can help the prosecutor more readily assess both problem properties and problem people engaged in criminal acts within specific neighborhoods, all with the ultimate goal of reducing the crime rate. Based on the best practices exhibited in communities dating back to the 1990s, if implemented with fidelity, CP has demonstrated a positive influence on reducing rates of violent crime.²

The goals of this initiative are to foster a lasting, sincere relationship between prosecutors and the community and foster greater cooperation within the community when it comes to serving justice through prosecution of defendants.

¹ *Community Prosecution, Problem Solving, and Public Accountability: The Evolving Strategy of the American Prosecutor*, (2000, p.2).

² See, Bureau of Justice Assistance Bulletin (November 2002), *retrieved from* <https://www.ncjrs.gov/pdffiles1/bja/192826.pdf>.

Although CP itself is not new³, creating the opportunity to study two different models in two high crime areas will add to the body of knowledge of “what is meant by a ‘partnership with the community’”⁴ by the prosecutor’s office and the effectiveness of these partnerships. The project will be in effect from 2017-2021.

STUDY DESIGN

The Intervention (Community Prosecution Model): The Memphis Police Department has nine police precincts. The DA is proposing to pilot CP in two of these precincts, as outlined above.

The Research Design:⁵ An RCT design is not feasible to evaluate the pilot phase since the two implementation areas were purposefully selected during the planning process for OSC-3 and implementation is slated to begin in January 2017. Therefore, this evaluation proposes a quasi-experimental non-equivalent group, pre/post-test design with two treatment levels. Two experimental precincts for CP (two treatment levels) already have been selected. The comparison precinct will be selected by matching (as closely as possible) the remaining seven precincts to the two experimental precincts on variables including, but not limited to, various macro level variables (e.g., population, population density, per capita crime rates, and demographics). Monthly data from 2016 will be used as baselines to determine impact of interventions throughout the implementation period (where such baselines exist). Research questions are summarized below. Details of these questions along with respective hypotheses are prepared and will be provided in the full proposal. Questions include measuring: 1) relative prosecutorial case acceptance rates, conviction rates, days to disposition, and number of productive citizen tip line calls. Additionally, overall, violent, and property crime rates will be measured across the two experimental precincts and compared both to prior performance levels and against the matched comparison area. Other areas which may be explored include calls related to problem properties/nuisances and satisfaction with the prosecutor’s office.

Data Collection & Analysis: Dependent variables to be measured are: 1) conviction rates; 2) days to case disposition; 3) number of “productive” tip-line calls

3 Only recently, however, have longitudinal studies started to emerge on the efficacy of the community prosecution model, which is endorsed by both the National District Attorneys Association and the Association of Prosecuting Attorneys.

4 “Community Prosecution,” retrieved from <https://www.hks.harvard.edu/programs/criminaljustice/research-publications/gangs-guns-urban-violence/community-prosecution> (n.d.).

5 The research design can be represented as follows:

	N1:O1	X1		O2
N2:	O1		X2	O2
N3:	O1			O2

where:

N1: Experimental Precinct 1 (prosecutor on-site)
N2: Experimental Precinct 2 (prosecutor off-site)
N3: No precinct prosecutor (matched comparison area)
O1: Pre-test observation (Baseline observation-2016 data)
O2: Post-test observation (Post-implementation observation)
X1: Experimental intervention 1 (prosecutor on-site)
X2: Experimental intervention 2 (prosecutor off-site).

versus number of total calls; and 4) precinct crime rates. Monthly data on case acceptance, conviction rates, and days to case disposition will be provided by the D.A.'s office. Monthly data on tip-line calls will be provided by Crimestoppers of Memphis and Shelby County. Finally, monthly data on crime rates will be provided by the MPD's Real Time Crime Center (RTCC). All data will be entered by precinct (unit of analysis) and analyzed using the latest version of IBM Statistical Package for Social Sciences (SPSS). The analytic technique to be used will be the Reliability-Corrected MANCOVA (multi-variate analysis of co-variance) which corrects for the bias that would occur due to the use of non-equivalent groups (not randomly selected). Cost of the pilot evaluation is a fraction of overall cost of the researcher's time, estimated at 10% and therefore valued at y. (Need this number)

STRATEGY FOR FOLLOW UP RCT

RCT is neither practically nor ethically feasible. Pilot implementation will be at the precinct level; with only nine precincts total, two are being used as treatment groups for the pilot. The nature of the selection process will cause concern among community groups. It is inevitable that citizens in other non-involved precincts will become aware of the community prosecution efforts and clamor to be included.

TEAM (Executed letters of agreement from these partners accompany this letter of interest.)

The Shelby County District Attorney's Office, led by District Attorney General (D.A.) Amy Weirich, has primary accountability for the CP pilot. She became the D.A. in January of 2011, first as an appointee, then later as an elected state official. Gen. Weirich joined the D.A.'s Office in 1991 and was chief prosecutor of the Gang and Narcotics Prosecution Unit and Division Leader for the Special Prosecution Unit in Criminal Court. She helped create the Multi-Agency Gang Unit, the first federal, state and local law enforcement organization designed to curb gang activity. As District Attorney, Gen. Weirich has embraced innovative ways to prevent crime, especially focusing on programs for youth.

The Memphis Shelby Crime Commission (MSCC) is a 501(c)(3) organization that spearheads the OSC-3 plan. MSCC has helped implement various innovative interventions including the drug court, the domestic violence court, the Family Safety Center, the Memphis Shelby County Office of Reentry, data-driven use of police resources, and others. MSCC will provide crime data garnered on a monthly basis, serve as convener and coordinator among agencies as needed, and assist with maintaining fidelity to implementation of the initiatives. Bill Gibbons serves as President of MSCC and also Director of the Public Safety Institute (PSI) at the University of Memphis, which is the identified research partner providing academic evaluation of all aspects of the OSC-3 plan. He previously served as Commissioner of Safety and Homeland Security for the State of Tennessee as well as Shelby County District Attorney, where he created several special prosecution units. Appropriate firewall protocols will be adhered to in order to preserve the integrity of objective evaluation processes by PSI researchers, but MSCC and other team members will be able to assist PSI and companion researchers in accessing the needed data.

Dr. Angela Madden, Associate Professor and Director, Mid-South Research Center in the Department of Criminology at University of Memphis, will lead research and evaluation efforts. Dr. Madden serves as the Research Associate Professor for the PSI.

The Memphis Police Department provides crime data. Director Michael

Rallings, appointed to the post on an interim basis in February 2016 and permanent basis in August 2016, is in full support of this initiative, having already agreed to host the prosecutor at the police precinct and continue to measure and report crime data.

Crimestoppers, Inc. collects information about crimes through anonymous citizen tips, tracks data relating to community calls, categorizes them as relevant or not, and provides financial awards for tips that lead to arrests in felony cases. It has agreed to provide this data for these initiatives. Crimestoppers is led by Executive Director Buddy Chapman, former Director of MPD.

“[B]y immersing themselves in a particular neighborhood—its people, problems, and resources—[prosecutors will be] better able to help law enforcement solve serious crimes, find cooperative witnesses, and create lasting solutions to difficult problems like gangs and high crime ‘hot spots.’”⁶ This evaluation is certain to help improve the body of knowledge related to community prosecution, including citizen-prosecutor relations and “what works.”

⁶ *Community Prosecution and Serious Crime*, Center for Court Innovation (January 2010, p.21), retrieved from http://www.courtinnovation.org/sites/default/files/documents/CP_SC.pdf.